IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 487 (MS) OF 2006

Manoj Kumar Dhyani,
S/o Shri K.C. Dhyani,
R/o 155, Chukhuwala, Dehradun,
District-Dehradun. .....Petitioner.

Versus

1. Central Board of Secondary Education,
   2, Community Centre, Preet Vihar, Delhi-110092,
   through its Chairman/Secretary.
2. Central Board of Secondary Education,
   1/1m Neem Sarai (Transport Nagar),
   Allahabad.
3. Regional Officer,
   Central Board of Secondary Education,
   Todar Mal Marg, Ajmer-305001. .....Respondents.

Mr. Lokendra Dobhal, Advocate for the petitioner.
Sri Gopal Narain, Advocate for the respondents.

Dated: 04.05.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondent authorities to issue a fresh mark-sheet and certificate of All India Secondary School Examination, 1999 (Class 10th) to the petitioner, after correcting the date of birth of petitioner as 28.02.1985 in place of 28.02.1983 forthwith.

Briefly stated, according to the case of the petitioner he was a regular student of Senior Secondary School Jakhan, Rajpur Road, Dehradun affiliated to C.B.S.E. According to the case of the petitioner while taking the admission, he has written 28.02.1985 as the date of birth as it will appear from

the paper book of the writ petition (Annexure No. 6), but the certificate, which has been issued in favour of the petitioner shows the date of birth as 28.02.1983.

The grievance of the petitioner is that since 1999, the petitioner is approaching the authorities, but the authorities are not taking any interest in the matter and has slept over the matter.

Counsel for the respondents has stated that necessary disposal of the representation made by the petitioner shall be made within a period of three weeks form the date of presentation of the certified copy of the order.

In case in the original documents, it is found that the date of birth of the petitioner is 28.02.1985, necessary correction shall be made. As will appear form the record of the case, the petitioner is approaching the college since 1999, but on one or other pretext, the respondent is avoiding for the correction or for the disposal of the representation.

Respondent no. 3, therefore, is directed to verify from the original record by which the application form was filed by the petitioner and in case, it is found that the original date of birth of the petitioner is 28.02.1985, the correction shall be made forthwith accordingly in the relevant documents i.e. marksheet and certificate of All India Secondary School Examination, 1999 within a period of three months from the date of presentation of the certified copy of the order failing which the petitioner will be entitled to get the compensation of Rs. 5,000/- from the authorities.

Writ petition is disposed of. No order as to costs.

04.05.2006 (Rajesh Tandon, J.)

Rathour